

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NOV 17 2006

JOHN F. CORCOHAN, CLERK
BY: *J. Bright*
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MARSHALL SHELTON, JR.,)	
Plaintiff,)	Civil Action No. 7:06-cv-00528
)	
v.)	MEMORANDUM OPINION
)	
ALBEMARLE CHARLOTTESVILLE)	
REGIONAL JAIL AUTHORITY, <u>et al.</u> ,)	By: Samuel G. Wilson
Defendants.)	United States District Judge

Plaintiff, Marshall Shelton, Jr., brings this action pursuant to 42 U.S.C. § 1983. In his complaint, as amended, Shelton names Albemarle Charlottesville Regional Jail Authority ("ACRJA"), Albemarle Charlottesville Regional Jail Board ("ACRJB"), Superintendent Ronald Matthews, and Correctional Officers Jones, Burgess, and Crow as defendants in his action. The court finds that ACRJA and ACRJB are improper defendants in an action brought pursuant to § 1983 and therefore dismisses Shelton's claims against both. Accordingly, only Shelton's claims against defendant Superintendent Ronald Matthews, and Correctional Officers Jones, Burgess, and Crow will go forward.

I.

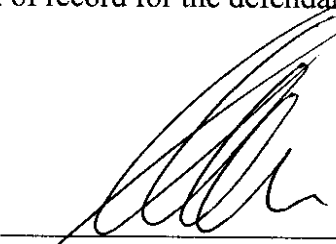
To state a cause of action under § 1983, a plaintiff must allege facts indicating that plaintiff has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). As neither the ACRJA nor the ACRJB is a "person" subject to suit under 42 U.S.C. § 1983, Shelton cannot maintain his action against the defendant jail authority or jail board. See McCoy v. Chesapeake Correctional Center, 788 F. Supp. 890 (E.D. Va. 1992).

II.

For the stated reasons, the court dismisses Shelton's claims against the ACRJA and the ACRJB.

The Clerk of the Court is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to plaintiff and counsel of record for the defendants, if known.

ENTER: This 17th of November, 2006.



United States District Judge